IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Serial No. 09/887,413
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Inventorship ..... Yi-Min Wang
Applicant ..... Microsoft Corporation
Group Art Unit 2164
Examiner ..... Samuel G. Rimell
Attorney's Docket No. MS1-0752US
Title: Personal Centralized Alert Delivery Systems and Methods of Use

REPLY BRIEF

IN RESPONSE TO EXAMINER'S ANSWER DATED 11/27/2006

To: Board of Patent Appeals and Interferences
Alexandria, VA 22313-1450

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The Office has failed to show how claims 1-42 are anticipated by U.S. Patent 6,092,102 issued to Wagner (herein referred to as "Wagner").

With reference to claim 1, the Examiner states:

> Col. 6, lines 30-46 describes the general concept of receiving information and generating an alert. As seen in FIG. 1, the alert gets generated at (26) and is received by module (34) which performs mapping functions. The alerts derive from organizations (col. 5, lines 54-60) which generate clinical information, such as a lab (col. 11, line 62-67) or a news service (col. 7, lines 15-20) or individuals such as radiology staff (col. 7, lines 22-25 and col. 6, lines 4-7). These are multiple sources. (*Examiner's Answer*, page 3.)

These statements made by the Examiner further support Appellant's argument that Wagner does not disclose, "receiving an alert for a user from one of multiple alert sources;" and, "transmitting the alert to the user according to the delivery mode," as recited in claim 1. The Examiner clearly states that Wagner describes, "receiving information and generating an alert," not that Wagner describes "receiving an alert for a user from one of multiple alert services," as claimed.

Specifically, the Examiner states that, "As seen in FIG. 1, the alert gets generated at (26) and is received by module (34) which performs mapping functions." This statement seems to indicate that the Examiner is relying on Wagner's module (34) as disclosing the claimed "receiving an alert for a user from one of multiple alert sources." However, if this is the case, while module 34 may be receiving an alert, it is receiving an alert from event monitor (4), which is the only alert source described in Wagner. Accordingly, module 34 is not, "receiving an alert for a user from *one of multiple* alert services," as claimed.

The Examiner states that, "The alerts derive from organizations which generate clinical information, such as a lab or a news service or individuals such as radiology staff. These are multiple sources." This statement by the Examiner further enforces Appellant's position that the "sources" described by Wagner (e.g., a lag, news service, or individuals such as radiology staff) generate clinical *information*, from which alerts are derived, and are therefore not, in and of themselves, *alert* sources. Also, as stated by the Examiner, alerts are received by module (34) from event monitor (4). Therefore, module (34), which is described as receiving an alert, is not receiving an alert from any of the entities that the Examiner has pointed out as being "multiple alert sources". Rather, the multiple sources mentioned by the Examiner provide information that is used by the event monitor to generate alerts. As such, the event monitor

is an alert source, but is the only alert source described by Wagner. Accordingly, Appellant maintains that Wagner does not disclose, "receiving an alert for a user from one of multiple alert sources;" and, "transmitting the alert to the user according to the delivery mode," as recited in claim 1.

Claim 10 recites:

> The method as recited in claim 1, wherein:
>
> mapping the alert to the delivery mode further comprises:
>
> mapping the alert to a primary delivery block specifying a first delivery action, and a secondary delivery block specifying a second delivery action; and
>
> transmitting the alert to the user according to the delivery mode further comprises:
>
> transmitting the alert to the user according to the first delivery action; and
>
> transmitting the alert to the user according to the second delivery action if transmitting the alert to the user according to the first delivery action is unsuccessful.

Wagner does not disclose, "transmitting the alert to the user according to the first delivery action; and transmitting the alert to the user

according to the second delivery action if transmitting the alert to the user according to the first delivery action is unsuccessful," as claimed.

Regarding claim 10, the Examiner states:

> Table V illustrates a mapping of each delivery mode to multiple delivery blocks. For example, the "two way fail safe pager" is a delivery mode that is mapped to a primary delivery block (the column data "time latency – immediate) and a secondary delivery block (the column data "Fail Safe – Yes"). In this instance, when the primary delivery block requiring the first delivery action (immediate delivery) fails, the data in the secondary block will initiate the second delivery action (fail safe mode; the message is repeatedly sent until acknowledged; col. 14, lines 39-46).

Appellant respectfully disagrees with the Examiner's interpretation of Wagner's Table V and the cited portion of text from Wagner. First, Appellant would like to point out that Table V is titled "Communication Channel Characteristics" and provides information regarding five specific characteristics for each of four communication channels. Specifically, for each communication channel (2-way pager, 2-way pager with fail-safe delivery, E-mail, and ToDo list), Table V provides information regarding time latency, whether or not the communication channel is fail safe,

whether or not the communication channel is secure, an indication of a delivery cost, and an associated capacity.

As shown above, the Examiner has stated that Table V illustrates a mapping of each delivery mode to multiple delivery blocks, and the "two way fail safe pager is a delivery mode that is mapped to a primary delivery block (the column data "time latency – immediate") and a secondary delivery block (the column data "Fail Safe – Yes"). Appellant respectfully disagrees. Rather, Table V indicates that the "2-way pager with fail-safe delivery" communication channel has a time latency characteristic of "Immediate" and a fail-safe characteristic of "Yes". These characteristics indicate that a message sent via a 2-way pager with fail-safe delivery communication channel will be sent immediately, and is fail-safe. There is nothing in Table V to indicate that, "when the primary delivery block requiring the first delivery action (immediate delivery) fails, the data in the secondary block will initiate the second delivery action (fail safe mode)," as the Examiner contends.

The Examiner also cites Wagner column 14, lines 39-46 as supporting the Examiner's position. Appellant respectfully disagrees. Wagner column 14, lines 39-46 states:

> As shown in FIG. 3, for fail-safe communication channels, the communication channel manager 124 accepts an acknowledgement 125 of receipt of the message 38 from the

user of the fail-safe communication channel. If the acknowledgement 125 is not provided by the user within a predefined time, then the message 38 is resent to the user and the process of checking for the acknowledgement 125 is repeated.

This portion of Wagner merely describes a process that occurs when a message is sent to a user via a communication channel that, as shown in Table V, has a fail-safe characteristic of "Yes". Accordingly, Appellant maintains that Wagner does not disclose, "transmitting the alert to the user according to the first delivery action; and transmitting the alert to the user according to the second delivery action if transmitting the alert to the user according to the first delivery action is unsuccessful," as recited in claim 10.

Regarding claims 16 and 35, in addition to the arguments presented in the previously filed Appeal Brief, remarks similar to those stated above with reference to claim 1 also apply to claims 16 and 35.

Conclusion

Appellant respectfully submits that all of the Office's rejections have been traversed. As such, Appellant respectfully submits that all of the pending claims are in condition for allowance.

Respectfully Submitted,
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